

OFFICE OF MUNICIPAL CLERK

RHONDA DAUPHIN JOHNSON, CMC
MUNICIPAL CLERK

April 29, 2004

55 TRINITY AVENUE, S.W.
SECOND FLOOR, EAST
SUITE 2700
ATLANTA, GEORGIA 30335
(404) 330-6033
FAX (404) 658-6103

Kagan J. Scott
550 Interstate North Parkway
Atlanta, GA 30339

04-R-0573

Dear Ms. Scott:

I sincerely regret that you have been adversely affected by the circumstances raised in your claim for damages against the City of Atlanta. Your time and patience in this matter has been greatly appreciated.

However, I must notify you that the Atlanta City Council Adopted an Adverse Report on your claim at its regular meeting on April 19, 2004. In consultation with the City's Law Department, who conducted an investigation of the situation, the Council has determined that the City cannot accept responsibility for this matter and therefore cannot pay this claim.

If you desire any further information, please contact the City Attorney's Office/Claims Division at (404) 330-6400.

Yours very truly,

Rhonda Dauphin Johnson, CMC
Municipal Clerk

cc: Claims Division/Law Department

RCS# 5585
4/19/04
3:03 PM

Atlanta City Council

Regular Session

CONSENT I CONSENT I PG(S) 1-18, EXCEPT:04-R-0538
 04-O-0487 04-R-0473
 ADOPT

YEAS:	14
NAYS:	0
ABSTENTIONS:	0
NOT VOTING:	2
EXCUSED:	0
ABSENT	0

Y Smith	Y Archibong	Y Moore	Y Mitchell
Y Starnes	NV Fauver	Y Martin	Y Norwood
Y Young	Y Shook	Y Maddox	Y Willis
Y Winslow	Y Muller	Y Boazman	NV Woolard

CONSENT I

DEPARTMENT OF LAW - CLAIM INVESTIGATION SUMMARY

Claim No. 04L0102

Date: March 16, 2004

Claimant /Victim KAGAN J. SCOTT

BY: (Atty) (Ins. Co.) _____

Address: 550 Interstate North Parkway Atlanta, Georgia 30339

Subrogation: _____ Claim for Property damage \$ 206.08 Bodily Injury \$ _____

Date of Notice: 02/09/04 Method: Written, proper X Improper _____

Conforms to Notice: O.C.G.A. §36-33-5 X Ante Litem (6 Mo.) _____

Date of Occurrence 01/11/04 Place: 345 Courtland Street, NE

Department _____ Bureau: _____ Division: _____

Employee involved _____ Disciplinary Action: _____

NATURE OF CLAIM: The claimant alleges that he sustained damages as a result of striking a recessed manhole at 345 Courtland Street, NE. However, an investigation determined that the manhole is the property of BellSouth. The claimant has been advised to pursue his claim with BellSouth.

INVESTIGATION:

Statements: City employee _____ Claimant _____ Others _____ Written _____ Oral _____

Pictures _____ Diagrams _____ Reports: Police _____ Dept Report X Other X

Traffic citations issued: City Driver _____ Claimant Driver _____

Citation disposition: City Driver _____ Claimant Driver _____

BASIS OF RECOMMENDATION:

Function: Governmental _____ Ministerial _____

Improper Notice _____ More than Six Months _____ Other X Damages reasonable _____

City not involved X Offer rejected _____ Compromise settlement _____

Repair/replacement by Ins. Co. _____ Repair/replacement by City Forces _____

Claimant Negligent _____ City Negligent _____ Joint _____ Claim Abandoned _____

Respectfully submitted,



INVESTIGATOR - LISA CARTER

RECOMMENDATION:

Pay \$ _____ Adverse X Account charged: 1A01 _____ 2J01 _____ 2H01 _____

Claims Manager: [Signature] Concur/date 03/17/04

Committee Action: _____ Council Action _____

COUNCIL OF THE CITY OF ATLANTA
MUNICIPAL CLERK
City Hall
55 Trinity Avenue, S.W.
Atlanta, Georgia 30335

FEB 09 2004

RE: CLAIM FOR DAMAGES

Today's Date:

ENTERED - 2-17-04 - SB
04L0102 - LISA CARTER

Dear Municipal Clerk:

This is to notify the City of Atlanta that I have suffered damages in the amount sum of \$ 1289.50 property and/or \$ _____ bodily injury for which I contend the City is liable.

1. Date of incident: JAN 11, 2004 2. Time of Incident: 9:00pm 3. Police called: Yes No
4. Location of incident (including street address): 345 Courtland St NE Atlanta GA.
5. Name of your insurance company: PERMANENT GENERAL Policy No. GA8830267
6. State what and how incident occurred: I WAS DRIVING DOWN COURTLAND ST JUST BEFORE 9:00pm SUNDAY IN A MIDDLE LANE WITH VEHICLES TO MY LEFT AND RIGHT LANE AND PASSED OVER A LARGE POTHOLE IN THE MIDDLE OF ROAD (NO WAY TO AVOID) WHICH DAMAGED MY RIM + TIRE
7. ALL ESTIMATES AND DAMAGES ARE SUBJECT TO INSPECTION. THE MAKING OF FALSE CLAIMS WILL RESULT IN YOUR CLAIM BEING DENIED AND MAY RESULT IN CRIMINAL PROSECUTION! AS SHOWN
8. The registered owner must make the claim for vehicle damages, complete the following and attach two (2) estimates of repair and proof of ownership of your vehicle (copy of the current tag receipt or title).
- Your vehicle: BMW 1998 ME61R KAGAN SCOTT
(Make) (Year) (Tag Number) (Driver's Name)
- City vehicle: _____
(Make) (City Driver's Name) (Department/Bureau)
9. Witness: OFFICER J.A. COVAS Atlanta Police Dept. 911
(Name) (Address) (Telephone Number)
10. The acknowledgment of this claim in no way waives the Sovereign immunity of the City of Atlanta, as granted by State law, nor is it an admission of liability on behalf of the City of Atlanta and/or its employee(s).
11. Claims must be received within 6 months of the event.

I HEREBY SWEAR OR AFFIRM THAT THE ABOVE INFORMATION IS TRUE AND CORRECT.

Signature of Claimant

(Print Claimant's Name)

550 Interstate North Pkwy
Atlanta, GA 30339
(Address) (City, State and Zip Code)

770 951-2697 X-345 770 420-7662
(Work Number) (Home Number)

04-R -0573

*** PLEASE mail ANY Correspondence to: 550 Interstate N. Pkwy, Atlanta 30339**
C/O GLOBAL IMPORTS BMW

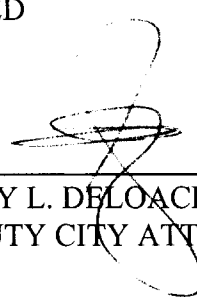
Entered - 02/17/04- sb
CL - 04L0102 LISA CARTER

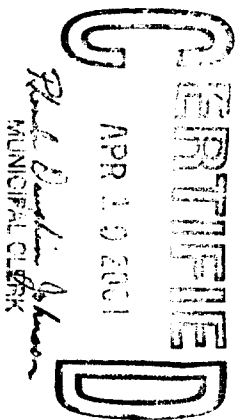
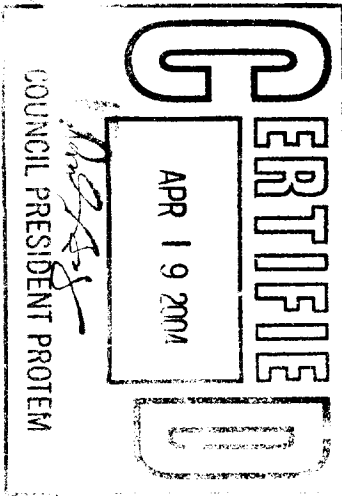
CLAIM OF: KAGAN J. SCOTT
550 Interstate North Parkway
Atlanta, Georgia 30339

04-12-0573

For damages alleged to have been sustained as a result of
striking a manhole on January 11, 2004 at 345 Courtland
Street.

THIS ADVERSED REPORT IS
APPROVED

BY: 
JERRY L. DELOACH
DEPUTY CITY ATTORNEY



ADVERSE REPORT

PUBLIC SAFETY &

LEGAL ADMINISTRATION COMMITTEE

DATE: 3/30/04

CHAIR: [Signature]

[Signature]

[Signature]

[Signature]

[Signature]

[Signature]

[Signature]

ADVERSED

APR 19 2004